

REMARKS

The present communication is responsive to the Official Action mailed March 30, 2010 ("Office Action"). A Petition for an one-month extension of the term to respond, up to and including July 30, 2010, is transmitted herewith.

Claims 1-10 were previously pending in the application. In the Office Action, claims 1-10 were rejected. In this amendment, claims 1-7 have been amended, and claims 8-10 have been cancelled. In addition, independent claim 11 is newly presented. Thus, Claims 1-7, and 11 remain pending for consideration. Support for the above amendments may be found at, for example, paragraphs [0027]-[0035] of the specification. No new matter has been added.

In the Office Action, Examiner initially raised numerous formal objections and rejections to the claims. In particular, claims 6-10 were objected to for not conforming to standard U.S. practice. Claims 8-10 were rejected under 35 U.S.C. § 101 as being directed to unpatentable subject matter. Further, claims 1-10 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response, Applicants have amended claims 1-7 as provided hereinabove to improve their form and to conform to U.S. practice, and has cancelled claims 8-10. In view of the foregoing amendments, Applicants respectfully submit that the objections and rejections discussed above have been fully overcome, and should now be withdrawn.

Claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over "A Study of the Noise from Diesel Engines Using the Independent Component Analysis" to Li et al. ("Li article") in view of U.S. Pat. No. 6,167,984 to Johansson et al. ("Johansson"). Reconsideration is respectfully requested.

Independent claim 1 is generally directed to a method for modeling and supplying a sound attenuation system for use in an exhaust system of a high power combustion engine. Claim 1 recites, *inter alia*, "calculating, by means of the computing device, an attenuating effect of the elements and an attenuating effect of the at least one single attenuating device relating to a sound pressure level of the high power combustion engine" and "repeating the inserting and calculating step, until the sound pressure level of the high power combustion engine is attenuated below a predetermined level."

In contrast to the claimed invention, the *Li* article is generally directed to applying independent component analysis to engine sound to identify components contributing to the engine noise. (*Li* article, Abstract). While the *Li* article discloses a model of an intake and exhaust system and discusses determining the transfer coefficients of a generic four pole acoustical load in the model (in the context of identifying engine noise sources), the *Li* article simply does not disclose a method for modeling and supplying a sound attenuation system that includes, *inter alia*, inserting attenuation elements and one or more attenuation devices into a model of an exhaust system, calculating the attenuation effects of the attenuation elements and the attenuating devices, and, repeating the inserting and calculating steps until the sound pressure level is attenuated below a predetermined level as recited in the claims.

Johansson does not overcome the deficiencies in the *Li* article. In this regard, it is noted that *Johansson* does not present any method for modeling and supplying a sound attenuation system as recited in the claims. In view of the foregoing, Applicants respectfully submit that independent claim 1 is

distinguishable over the cited art and should be allowed. In addition, newly presented claim 11, which includes limitations similar to those discussed above with respect to claim 1, should also be allowed for at least the foregoing reasons.

As claims 2-7 depend from claim 1, Applicants respectfully request that the Examiner withdraw the rejections of these claims as well. Notwithstanding the designation of such claims as being allowable based on the perceived allowability of their base claim, Applicants believe that such claims include additional patentable subject matter, and the Applicants' failure to separately argue patentability based on such subject matter shall not be construed as an admission to the contrary.

As it is believed that all of the objections and rejections set forth in the Office Action have been fully overcome, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 30, 2010

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